# THE Order of keeping a Court Leet and Court Baron, with the charges appertaining to the same.

*Truly and plainely deliuered* in the English tongue, for the profit *of all men, and most commodious* for young Students of the Lawes, *and all other within the iurisdicti*on of those Courts, with diuers new additions thereunto added.

*Quicquid agas prudenter agas, & respice finem.*

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*Cum Priuilegio.*

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# THE ORDER OF Court Leet and Court Baron.

FIrſt, there ſhall be a Precept made by the Steward vnto the Bailiſe, to warne the Court, by a reaſonable time: that is to ſay, fiue or more dayes before the Court be kept, in ſuch forme as followeth: But it is the better, if warning be fiftæne dayes before, as it is in the Common Banke.

## The Precept.

Blackford. A. B. *generoſ. Seneſchall Manerij prædicti Ballino eiuſdem Salutem. Tibi precipio pariter & mando, quod diligenter præmonere facias omnes tenentes infra manerium prædictum, tam reſidentes quam non reſidentes, atque omnes tenentes Cuſtomarios Manerij præd', quod ſint coram me, in hac parte ſufficienter deputato, apud Blackeford prædictam, die Ionis viceſimo ſexto die Martij proxime futuro,*

*post datum huius ad faciendum sectam suam, tam ad visum Frank' pleg' quam ad Curiam Baron' & omnia alia quæ eis incumbent, & pertinebunt, & hac nullatenus omittas: & habeas ibi hoc præceptum. Datum sub sigillo meo, decimo die huius mensis Martij, annis Regni Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regis, fidei defensor, &c. secundo, & Scotiæ tricesimo octauo.*

After that the steward is set in the Court, he must first enter in writing the Title of the Court in the beginning of the Court Rolle, with the name of the place in such form as followeth.

*The entrie of the Court Leet, and Court Baron.*

*Blackeford.* Visus Franc' pleg' cum curia C. L. generosi Domini eiusdem ibidem, tent die Iouis, videlicet, vicesimo sexto die Martij Annis Regni Domini nostri Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regis, fidei defensoris &c. secundo, & Scotiæ tricesimo octauo, tent per A. B. Seneschallum ibidem.

When that is done, the Steward shall cause the Bayliffe which serueth the Court, if it be in a Leet, to make proclamations, that is to say, three Oyes: and if it bee in a Court Baron, then but one, and after shall say as fol-

followeth.

All maner of persons which had warning to appeare here this day to serue the King Maiestie for his Leet, and the Lord of the manor, for his Court now holden: Draw neere and giue your attendance, and euery one answere to his name as he shall be called, vpon paine and perill that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the stelwart shall cause againe (if it be in a Leet) to be made other three Oyes. Then after the three proclamations made, the Stewart shal cause the bailife to say.

If any will be essoined, come in and you shal be heard.

And in a Court Baron, if any will be essoyned, or enter any plaint, come in, and you shall be heard: and then the steward shal say, essoines and proffers of suite and plea, three times, and in the end, Essoynes for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as hee is bound, let one aske an Essoyne for him, (the Court sitting) to saue his default.

And then the Steward shall enter the Essoyne in the Court Rolle, in this maner:

## The manner of entring the Essoines.

A B. per C. D. essoniatur de cõi: & sic de alijs.

Looke also if there be any Tenant in the Manor that hath any action, or cause of action, sithence the last Court day: Let him put in his plaint, the Court sitting, and it shall be entred.

Looke also if there be any Precepts, Attachments or distresses hanging in the Court Rolles, inquire of them openly in the Court, and know if the Bailife haue serued them.

Also if there be any old plaints hanging in the Court Roll, before this Court holden, cause the parties to be called, and before the enquest be charged, know if the plaint shall passe by the homage.

That done, the enquest shall be impanelled: Then bid the foreman lay his hand vpon the booke, and sweare him in forme following.

## The Oath of the Foreman.

Cause the Bailife to hold the booke vnto the partie or parties sworne, but the Steward shall giue the Oath.

You

YOu shall diligently enquire, and true presentment make of all such things as you shall be charged with, concerning as well the kings Maiesties Leete, as the Lords Court of the Manor: You shall well and truly keepe * the Kings Councell, your fellowes and your owne: you shall not conceale nor hide any thing for fauour, feare, promise, or affection you beare to any person or persons, or present any thing for hatred, or malice you beare to any man: but you shall present and tell the truth, the whole truth, and nothing but the truth, so helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

* If the Court Baron be kept by it self, there shall be omitted in this oth these words: *The kings Councell*, for that is not the kings Court, but the Leet is.

After the Fore-man is sworne by himselfe, cause three or foure of th'enquest to lay their right hands together on the booke, and giue them their oath as followeth.

## The oath of the rest of the Iurie.

ALl such oath as A. B. hath made before you on his behalfe, you, and euery of you shall well and truly keepe on your behalfes: so help you God, & by the contents of this booke.

And then cause euery one that is sworne, to kisse the booke.

And so in like maner sweare the rest.

After they be sworne, cause the Bailife to number them that be sworne, as the Stewarde doth reade them.

## The Proclamation after the Oath taken.

THen make Proclamation and say thus: All you that be here sworne, draw neare and heare your charge, and all the rest keepe silent, upon paine and perill that shall come thereof. Before the charge, gather the common fine, which the Tenants doe pay every Leet, according to the custome of the manor.

## The exhortation to bee giuen vnto the Iuries before the charge, to consider their Oath.

MAsters, the charge which you haue promised by your Oathes to obserue, toucheth and concerneth diuers good lawes and statutes made for the whole common weale of this realme, and also for the priuate wealth of euerie of you, which matters the Lord of this Franchise considering, and wishing your wealth and quietnesse, willing also good orders to be obserued and kept among you, and that right and equitie might be ministred to euerie

of you, hath caused therefore the kings maie-
ties Leete and his Court to be summoned and
kept here at this day: I will therefore by your
fauor, before I enter into the matters of your
charge, declare vnto you by what authoritie
you are brought hither, and wherein you are
bound to serue.

One cause is, for that the Kings Maiestie,
and his noble Progenitours haue giuen and
graunted vnto the Lord of this Manor, a
strength and power to kepe a Leete or Law-
day at two times in the yeare, at which Leete
or Lawday, all the Headboroughs, Tithing-
men and Deciners, & all other persons which
be resident or dwelling within this Leete, be-
ing of the age of twelue yeares or aboue, are
bound by the law of this Realme to appeare:
for that there they may heare the lawes & sta-
tutes opened and declared, that thereby they
may know and auoid the danger of the same:
and further to enquire of the breakers of the
same, and present them; that such offendors
might be punished.

The other cause or authoritie is, for that
you be the Lords Tenants, and are bound
by reason of your Tenure to appeare at the
Lord his Court Baron, when it shall hap-
pen to be kept according to the Law, that is
to say, at euery three weekes end, and being

here

here by these two authorities, you are bound to serue in all such things as you are iustly and lawfully charged withall, as well concerning the Kings Maiesties Læte, as the Lords Court Baron.

And thus you haue heard in briefe the causes whereby you are bound to come to this Læt and Court Baron.

Also to the intent that this your oath which you haue taken, may be the better knowne, I thinke it good by your patience somewhat to say concerning the same.

First in swearing, three things chiefly ought to be considered: The first is that you sweare truly, that is, you must seclude all fauour and affection to the parties, not fearing the rich, nor pitying the poore, nor considering the simplenesse of any person, nor the smalnesse of the offence, but hauing the truth onely before your eyes, for loue thereof say and speake that which you know to be true, & no further. The second is, you must sweare in righteousnesse, that is, for the very zeale and desire you haue in declaring of the truth, for the executing of Iustice, for the obseruing of couenants, honest promises, statutes, lawes, and good customes: and hauing a respect in doing and performing these things, you doe that which is to the glorie of God, the honor of the

king

ng, the preſeruation of the people and com-
on-weale: and this manner of ſweating is
mmanded of almighty God in Deutorono-
ie, ſaying: Thou ſhalt feare the Lord thy Chap. 6.
od, and ſerue him, and ſhalt ſweare by his
me. That is, we muſt ſerue God onely,
are him, and confeſſe his holy name, which
done by ſwearing lawfully. Swearing alſo
many other places of Scripture is com-
anded, but the ſame conditionally, which is,
e muſt ſweare in truth, in iudgement, and in
ghteouſneſſe, &c.

Thirdly, in ſwearing and taking an oath,
ou muſt doe it with iudgement, not raſhly
or vnaduiſedly, but ſoberly, conſidering
hat an oath is: and to put you in mind there-
f, I will in few words declare what an oath
s. An oath is the calling or taking to witneſſe
f God his name, to confirme the truth of that
e ſay. And Saint Paul ſaith, An oath for Heb 6. verſe
onfirmation, is among men an end of all 16. 17.
rife. For in doubtfull and obſcure matters,
here the knowledge of men faileth, we flie
nto God, that he which is the onely truth,
ay giue teſtimony vnto the truth, & he which
ſeth God for a witneſſe, doth alſo call for re-
enge of periurie at his hands, if he deceiue
nd ſpeake not the truth: Alſo in laying your
ands vpon the booke, you do ſweare, truly to

enquire

inquire and make a true presentment of th
things wherewith you be charged, and no
let from saying the truth, and doing truly,
fauour, feare, loue, or malice of any person:
must consider, that in the same Booke is
tained God his euerlasting Truth and
holy Word, whereby wes haue remission
forgiuenesse of our sinnes, and euerlasting
Also in the Gospell Booke is contained
his plagues and threats to obstinate sinne
periured men, false witnesse-bearers, condem
ners of innocent and guiltlesse persons, so
if you willingly forsweare your selues,
vtterly forsake God, his Mercie and Tru
the merites of our Sauiour Christ, his na
uitie, life, passion, death, resurrection, and
sension, the ioyes of Heauen, and euerlas
life: betaking your selues to the diuell, the
thour of allies, periurie, and deceit: and by
swearing, and forsaking the truth, you doe
sake Christ, the light and truth it selfe. And
though that periury doe escape sometime
espied, & vnpunished, & be kept secret betwe
some of you and others, yet your hearts w
iudge & repute one another false, and bee sus
tious of each others doings: but God bee
faithfull, he will not dente himselfe: & there
bee will not suffer the profanation of his na
to be vnpunished: also at the last day, when

secre

ets of all mens hearts shall be opened, then truth and your owne consciences shall ac- e you, and Christ the righteous Iudge shal ly condemne you to euerlasting death and nnation. For this sinne of periurie God his Prophet hath threatned to punish. Mala. 3. herefore let vs pray vnto God that wee y vse such oathes as be godly and lawfull, t is, that wee sweare not rashly, in trifles, n matters of no weight, but when it is full and necessarie onely: also that we doe der the end, that our oathes may serue to honour of God, and to the boulting out & ifying of a truth. And thus hauing put you nind of your dueties and oathes, the which ust you will diligently weigh and consider ge performing and doing of the same, to the nfort of your consciences: I will proceede further therin, but declare vnto you the ar- es of your charge.

## The charge of Court Leet.

You must vnderstand, that high Trea- sons, petty Treasons, and Felonies, ich are against the Crowne and dignitie, to be enquired of and presented in Court et, but not punishable there.

The which offences ought to bee set downe

downe in writing, and indented, the one p
to remaine with the Steward, the other w
the Iurie, and the same must be deliuered
the Iustices of the Assises at the nert Ge
deliuery holden within the County. See Sta
ford in his Plees of the Crowne lib. 2. cap.
fol. 85. 86. & 87. And M. Lambert in his I
stice of peace, lib. 4. cap. 6.

3 First you shall enquire of high Tr
son, as if there be any among you which
compasse, imagine, or intend the death of
Soueraigne Lord the King: and doe vtter
same words by writing, or by any other
act: or if any go about to make warre aga
him: or if any be adhereat to any of his e
mies.

4 If any counterfeiteth, clippeth, fyle
washeth, or otherwise falsifieth the mone
this Realme, or the coine of any other rea
which is enabled to be current within t
Realme.

5 Or if any counterfeiteth any of the Ki
Maiesties seales, as the great seale or stam
these are high Treasons.

6 Also counterfeiting of the Kings s
is to take Ware printed with the Ki
Seale, and to fasten it to a writing not m
by the King: these are to be enquired of b
as Felonies, and to bee certified as af

is, Raſtall, Treaſon 26. 5. Eliz. cap. 11. pur
lipping, waſhing, &c.

7 Alſo if any kill his maiſter or his miſtris: Pety treaſon
or if a Prieſt, or other religious man kill his
Ordinarie, this is pety Treaſon, and to be en-
uired of here as felonie, 25. E. 3. ca. 2. Raſtal,
reaſon 1.

8 And if any woman kill her Huſband, it A woman to
s petie Treaſon, and it is to be enquired of as kill her huſ-
elonie, 19. H. 6. fol. 27. band is petis
treaſon.

9 Alſo cutting out of a mans tongue, and Felonies.
utting out his eyes of malice, is felony, and
be enquired of here.

10 Alſo murder is, when any of malice pre- Murder.
enſed or forethought doth kill another, felo-
ouſly, and it is to be enquired here as bloud-
ed.

11 Alſo manſlaughter as a treſpaſſe is here Manſlaughter
be enquired, that is to ſay, when the place
not appointed to fight, but ſuddenly they
ght together, and the one killeth the other as
ey meet by chance: alſo it is to be enquired
ere for bloudſhed.

12 Alſo if one kill another in defending In defending
imſelfe, he ſhall loſe his goods. himſelfe, and
killing by miſ-
13 The ſame law is where one killeth ano- fortune.
er by miſfortune, &c. Stamford 15. a.

14 Alſo you ſhal enquire of rape, which is, Rape.
a man rauiſh any woman againſt her will,
by

be she wife, widow, or maid, though she after-ward consent vnto it, it is Felonie. You shall enquire also of their ayders, for they shall be iudged Rauishers, as well as hee that did the deed, 22. E. 4. fol. 22.

Burglarie. 14 Burglars are those which in the time of peace, or in the night time with a felonious intent to robbe or kill, doe breake any houses, churches, wals, or gates, and enter into them, this is burglarie, and here to bee enquired of. Stamf. fol. 30. B.

Robberie. 15 Robberie is when a man taketh any thing from any other persō feloniously, though it were but the value of a peny, this is Felony, and to be enquired of.

Burning of a house or barne 16 Also the burning of a house feloniously is felonie.

17 Also burning of Barnes, adioyning to a house in the night, is to be enquired of, 11. H. 7. 1.

Robbing of Churches. 18 Also robbing of churches or Chappels, and taking of any ornaments out of the same feloniously, is felonie, and to be enquired of.

Rescue. 19 If any rescue any which is taken for felonie, that is felony, and here to be enquired of.

Taking of Doues. 20 Also taking of Doues in a Doue house in the night time with a felonious intent, is felony, and here to be enquired of.

Yong Pigeons 21 Also taking of young Pigeons, or young

Goshawkes

Goshawks in their nests, is felony, and here is to be enquired of. and young Goshawks.

22 Also taking of fish feloniously out of ponds, stewes, or trunks, here is to be enquired of. But if the same be taken out of a riuer, there it is no felonie. Taking of fish

23 Also the taking of tame Deere with a felonious intent, is felonie. Taking of tame Deere.

24 The same law is for taking of Signets, Swans marked, Peacockes, and the same is to be enquired of. Signets, Swans, Peacockes.

25 Also if any receine a Felon, knowing of the felony which he hath done, this is felonie, and here to be enquired of. Receiuers.

26 And note that all other felonies which be Felonies by the common law, are here to be enquired of.

27 Accessaries are inquirable, and that is if one procure or command another to doe a Felonie, but is not present when he doth it: this procurer or commander is accessarie. Accessarie.

28 Also accessarie after felonie is done, is where one receiueth a felon, knowing of the felonie. Accessarie after felonie done.

29 Escape voluntarie is where one arresteth another for felonie, and after suffereth him to go whither he will, this is felonie, and also to be enquired of. Escape voluntarie.

30 Escape negligent, is whe one is arrested Escape negligent.

for felonie, and after escapeth against his will that arresteth him, and if he be not freshly pursued and taken before they that do pursue lose the sight of him, he that should have kept him or his gaoler, shall lose a grievous fine, and hereof enquire.

Pety Larcenie. 31 Pety Larceny is taking of any thing with a felonious intent, under the value of xii.d. as hennes, geese, pigs, or small things out of windowes, and these things are to be enquired of.

Escheate. 32 You shall understand that the Lords of whom the land is holden, shall have the lands by Escheat, where their tenants be attainted of Petie Treason or Felony, and the King shall have the Landes a yeare and a day, and the waste of it, per Magnam Charram cap. 22.

33 And therefore you must enquire what lands and tenements those persons so offending have, and what goods for the King, except the Lords have felons goods by the King his grant, 9. H. 4. fo. 23.

34 Also you shall understand that those matters in the charge aforesaid, are to be enquired of, and presented as aforesaid, but not punishable here, but they are to bee certified by the Steward in sessions as aforesaid. But the rest of the matters of the Charge which

certified

enſue, are enquirable and preſentable, and be alſo puniſhable here in Leete, but not certified as the other were.

1 Thoſe things which hereunder follow, are to be preſented in Leet, and alſo to be puniſhed there.

2 FIrſt you ſhall enquire if all your Conſtables, Headboroughs, deciners, and all other ſuitours which owe any ſute hither, bee here, or no, and preſent all their names that make default. Conſtables, Head-boroughs.

3 Alſo if any haue dwelt within the Lordſhip the ſpace of a yeare and a day, and bee of the age of xij yeares, and not ſworne to the King to bee true and faithfull, this is enquirable. Of the age of xij. yeeres.

4 Alſo you ſhall enquire if any of the Lords villaines be fugitiues, and remaine elſewhere out of the Lordſhip, and be not in the ancient demeſne of the King a yeare and a day, preſent the ſame. Villaines.

5 Alſo you ſhall enquire if any cuſtoms or ſeruiſes, due to his court, be holden back, how, by whom, and in what Bailifs time the ſame was, and preſent the ſame. Cuſtomes and ſeruices.

6 Alſo you ſhal enquire of any purpreſtures be made vpon the land, wood, or water, with Purpreſtures.

blockes, stakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to say, to the multitude, and not onely to one.

Walls, houses, pales or hedges.

7 Also if any walls, houses, pales, or hedges be made or erected to the annoyance of the people, this is to be presented.

High wayes, waters, ditches or pathes.

8 If any common highwayes, waters, ditches, or paths be turned out of their courses, it is to be enquired of.

Encrochmēts.

9 Also you shall enquire if any Encrochments bee made on the Kings high wayes, or any of the Lords soile common, or one neighbour upon another, and present it.

Laystals. Carrion.

10 If any Laystals be made, or any carrion be cast in highwayes, to the annoyance of the people, this is enquirable.

Make fraies.

11 Also if any commonly breake the peace, as making of fraies in disturbance of the people, this is enquirable.

Common Barretors.

12 Also if there be any common barretours in the Lordship, as scoulders or brawlers, to the annoyance and disturbance of their neighbours, present their names.

Breakers of pownd.

13 Also if any breake the common pownd, to take a distres out of the same, present their names.

Outcries against the law

14 Also if any Outcries bee made against the lawes in disturbance of the people, it

is

is to be enquired of.

15 Also if any rescous be made within the Seigniorie vpon the Sherife or his Bailifes, or vpon any of the Kings Officers, in disturbing of them to take any person to be arrested, it is to be enquired of. Rescous made against the Sherife, or his Officers.

16 You shall enquire, if any Euesdroppers which stand vnder walls or windowes, by night or day, to heare tales, and to carrie them to others, to make strife and debate betweene their neighbours, present their names. Euesdroppers.

17 Also if there be any common breakers of hedges, present their names. Breakers of hedges.

18 Also if any keepe and maintaine anie Bawderie in their houses, it is cause of breaking the peace, and it is a vice that corrupteth the common weale, and for that cause it is here to be enquired of. Keepers of Bawdrie.

19 Also if there be any vagabonds, or those which walke by night, and sleepe in the day. Vagabonds.

20 Also if there bee any that bee common haunters of Tauernes or Ale-houses, hauing not sufficient to liue vpon, they are to be enquired of. Haunters of Tauerns or Alehouses.

21 Also if one go in message for thefues, it is to be enquired of. To go on message for theeues.

22 Also you shal enquire if any person haue watered any hempe or flare in any riuer, running For corrupting the waters.

ning water, ſtreame, or brooke, or other common pond where beaſtes doe vſe to drinke, they ſhall forfeit for euery time ſo doing xx s. the one part to the partie grieued, or any other which will ſue for the ſame in the Leete, by action of debt, bill, plaint, or information, or otherwiſe, and preſent the offendors.

This offence is not inquirable in the Leete but may be puniſhed there, vpon the action or information of any againſt the offendors: For which, ſee the Statute 33. H. 8. c. 17. But vpon a preſentment of a Iurie in the Leet of ſuch an offence the penalty cānot be leuied, but the offendor may be amerced there for the annoyance, and the amercement eſtreated, and ſo leuied.

Falſe weights. 23 Alſo, if any haue, and vſe any meaſures of buſhels, gallons, yard, or elne, or falſe ballāces, or pounds, they are to be enquired of.

Double weights. 24 Alſo if any vſe double pounds, or meaſures, that is to ſay, one little or ſmall weight to ſell by, and a greater to buy with, in deceiuing the people, the ſame is to be enquired of.

Aſſiſe of bread and ale. 25 You ſhall alſo enquire of the Aſſiſe of bread and ale, that the ſame be kept, that is to ſay, that euery one ſel according vnto the rate and price of graine, and that the ſame be made wholeſome for man, and hereof enquire.

26 Al

26 Also if tiplers sell by cups or dishes, or measures vnsealed and not sealed, it is enquirable. Tiplers.

27 Also if Butchers, fishmongers, or other victualers sell any corrupt victuall, not wholsome for mans body, it is enquirable: also that all other that sell victuall, if they sell the same at a reasonable price, and not to be excessiue, hauing regard to the prices how victuals bee sold in places neare thereabouts, and he that is conuicted, shall pay double that he hath receiued to the party damnified, and the same to be enquired of. Butchers and all victuallers doe sell wholesome meat at a reasonable price.

28 Also that hostlers do not sell hay, nor oates but at reasonable prizes, and that they do not take for the bushell, but an halfe penie ouer the common price in the market, and that they take nothing for the litter, and this is enquirable. Hostler for selling his hay and oates.

29 An Inkeeper may bake his bread for horses in his house in any through fare towne which is no Citie where no common Bakers dwell, and if he bake and not make the same according to the prices of graine, it is to be punished in Leet. Inkeeper may bake his bread.

30 Also if any Inkeeper or other person, harbour any suspected persons, perceiuing them to be of euill behauiour, it is to be enquired of. Harbouring any suspected person.

Millers. 31 Also if Millers take an excessiue toll, it is to be enquired of: and he ought to take for toll but the twentie or the foure and twentie graine according vnto the custome, and according vnto the strength of the water.

32 Also if the Miller within the Lordship change the graine which he hath ground, it is enquirable.

Artificers. 33 Also it is to be enquired, if all the artificers do make good worke as they ought, and if any make deceit in the same in deceiuing of the people, you ought to present their names.

Misdemeanor of Officers. 34 Also if any Constable, Ale-Taster, Bailise, or any other Officers within this Lordship, haue well and truly done their office or no, it is to be enquired of.

Purueyour. 35 Also no Purueyor shall make any purueyance for the Kings house, of any thing to the value of fortie shillings, or vnder, except he make readie payment to the partie, vpon paine of losing his Office, and to pay the value to the partie grieued: and if he doe the contrarie, if the Steward or Tithing man, vpon complaint to them make no resistance to the Purueyor, they shall forfeit to the partie grieued, the value of the thing taken, and double damages, and this is the misdemeanour of these Officers, and those misdemeanours,

and

nd of all other such Officers, are enqui-
able.

36 Also the Constable ought to sée the peace, Peace and watch.
nd watch to be obserued as it ought.

37 If any treasure be found, that is to say, Treasure found.
ut in the earth, and no man knoweth who
id the same, this is the kings, except the Lord
aue the same by speciall words, or by pre-
cription.

38 If any estraies be, they are enquirable, Estraies.
nd that is, if any horse, pigges, hogs, cattell
swannes, which haue come into this Lord-
hip, and haue bene there a yeare and a day,
nd not claymed, then the Lord may haue the
propertie of the same by prescription, but the
ame ought first to be impounded in an open
ound, proclaimed in three markets next ad-
oyning, and if none claime them, then they
hall be seised, and ought to be put into some
euerall land, and not in any couert or wood,
where the owner cannot find them, for if they
e in couert the propertie is not chaunged,
hough they be there a yeare and a day.

39 Also you shall enquire whether any Waife.
Thefe vpon huy and crie, or otherwise doth
waiue his goods, that is to say, doth leaue or
forsake his goods, or any parcell of them, which
e hath stolne, by reason whereof the king is
eised thereof, or the Lord by the grant of the
king

King, such goods are called waises, and therefore present the same, also if any Officer seaseth upon any theeues goods: though there be no pursuite made, in these cases, the King or the Lord by grant or prescription shall haue these goods, &c.

He that flieth. 40 If any flie, that is to say, if any be found by indictment guilty of murder before the Coroner, or if he be indicted of Felonie, and acquited and found that he flieth, then he shall forfeit his goods to the king, and the Lord may haue them by Charter, and not by prescription, and this is inquirable.

Horse or Mare scabbed. 41 If any horse or mare be put upon a waste ground, and be scabbed, or hauing an infectious disease, he shall forfeit to the Lord of the Leet ten shillings, and this is enquirable.

Exigent. 42 If any exigent be awarded against one endicted of felony, by the keeping of his goods, they are forfeit, though after he be acquited of felony, and the King shall haue his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquirable.

Outlawed. 43 If any be outlawed in debt, trespasse, or other personall action, his goods be forfeited, and the king shall haue them, and not the Lord, except it be by Charter, and not by prescription, and this is inquirable.

Common fine 44 Also you shall enquire if the cõmon fine

haue

aue bin here to be payed according to the cu-
ſtome, and whether the ſame be gathered ac-
cording vnto the vſage. This is commonly ga-
thered by the Headborough.

45 Note that euery one that hath view of Stockes.
fræ pledges, ought to haue Pillorie & Tum-
brell to doe Iuſtice: Alſo in euerie Towne
where there is a Leet, there ſhall be ſtocks, and
for default thereof the towne ſhall forfeit fiue
pounds, and the ſame is enquirable.

46 Alſo you ſhall enquire whether any Apparrell.
haue vſed in any of their garments veluet, ſat-
ten, damaſke, taffata, ſarcenet, chamlet, or a-
ny fur, as foins, ienets, martins, ſquiril, fox,
gray, cony, hare, or other furres growing
within this land, or gold, or ſiluer, in or vpon
any of their garments, otherwiſe than the ſta-
tutes, made in the 14. yeare. H. 8. and 1. and 2.
of Ph. and Mary do allow, you ſhal preſent the
offendors.

47 Alſo you ſhall enquire whether any ba- Victuallers.
ker, brewer, butcher, cooke, tipler, &c. doe take
exceſſiue gaine or no: alſo whether they con-
ſpire, couenant, promiſe, or make any oath not
to ſell victuall but at a certaine price, and pre-
ſent the ſame.

48 Alſo you ſhall enquire if any artificers, Artificers.
workmen, or labourers, haue conſpired, pro-
miſed, or made any oathes, that they will not
make,

make or doe their works but at certaine pla-
ces, or not to finish that which another hath
begun, or would doe but certaine worke in a
day, presen them, for they shall forfeite cer-
taine penalties, 24. H. 8. ca. 12.

Archers. 49 And you shall enquire if any man being
the Kings subiect, not lame or maimed, not
having any lawfull impediment, being with-
in the age of threescore yeares, except Spiri-
tuall men, and Iustices, doe vse and exercise
shooting in long Bowes, and whether the fa-
thers and mothers of such as bee vnder xxj.
years, do bring vp their children in the know-
ledge of shooting: and whether euery manchild
of seuen yeares and vpward, haue a Bow and
two shafts: if they haue not, their gouernours
shall forfeit certaine penalties: present there-
fore such offendors:

Buttes. 51 Also you shall enquire if the Buttes be
made and continued, and if your Buts be not
made or continued, yee shall forfeit for euery
three moneths for default thereof xx.s.

Tanners, Curriers, and tanned Leather. 51 Also you shall enquire if any Tanner
haue offered to be sold any hide of Bul, Ore,
Steere or Cow, gashed or cut, he shall forfeit
for euery one twelue pence.

Curriers. 52 Also no Currier ought to currie any
Leather in a Shoo-makers house: and none
ought to currie any Leather euill tanned.

53 Also

53 Also you shall enquire if there bee any Crowes nests, if there be not, the lord shall haue the moitie of ten shillings, which shall be forfeited by the Parish or towne for not hauing the same. Also if they destroy not the Crow nests when they begin to breed, they shall be amerced. Crowes and Crow nests.

54 Also you shall enquire if any person by any meanes haue taken and killed any yong brood, Spawne, or frie of Salmons, Eeles, Pikes, or any other fish, in any streame, riuer, broke, floudgate, or in the taile of any Mill, and present the offendours. And further, when any person hath taken in any of the places aforesaid, any Salmons or Trowts out of season, or any Pikes, or Pikrelles, not being in length ten inches, or any Barbel not being in length twelue inches, or any Salmons not fifteene inches, or Trowts not eight inches long: If any haue done so, they shall forfeit certaine penalties. For the taking and killing of fish.

55 Also you shall enquire if any breake by day or night, the head or damme of any pond, mole, or moate, within which the Lord hath fish, to the intent to scatter, steale, and destroy the fish, he shall pay to the Lord treble damages, and shall be imprisoned three moneths, and after find sureties for seuen yeares of his good abearing. Breaking the head of any pond.

56 Also

Hunting of Deere.

56 Also you shall enquire if any doe hunt Deere out of the Lords ground, or kill any of his Deere, and present them.

Vnlawfull games.

57 Also you shall enquire if any person doe keepe or maintaine any common house, alley, or place of bowling, quoites, tailes, tennise, dicing, tables, or carding, or any other vnlawfull games, and present them: If they do, they shall forfeite certaine penalties: also you shall enquire if any person doe haunt the said houses and places: and further, you shall enquire if your Constables and other officers doe make true search in such places which he suspected to be frequented with any vnlawfull games, yea or no, if they do not, they shall forfeit certaine penalties. you shall therefore present such offendors, 33. H. 8. cap. 9.

Horses.

58 No stoned horse being of the age of [illegible] yeares, except he be fourteene handfuls high shall be put to pasture in any common, forest or chase, vpon paine of forfeiting of the same horse: also the said grounds ought to be yearely driuen at Michaelmas by the Lord, Tythingman, Constable, &c. or within fifteene after, vpon paine of xl. s. and if vpon the same driuing there be found any mare, fole, or gelding, not likely to be able to beare foles, or to do profitable seruice, the same shalbe slain and buried, 32. H. 8. ca. 13.

59 Al

59 Also you shall enquire if the inhabitants after robberies and felonies committed, doe make fresh suite from towne to towne, or from county to county, or from hundred to hundred according to the Statute of Winchest. 13. E. 1. cap. 2. For if a man be robbed in the day time, and the thiefe escape, and is not taken within forty daies after the robberie, for lacke of huy and crie, the borough or hundred shall answer to the party all his goods and dammages: also if any person be killed in a towne in the day time, and the murderer or manslayer escape, not taken or arrested by those of the towne, then the townеship shall be amerced, 18. Ed. 2. Huy and crie.

60 Also you shall enquire if your Constables and Churchwardens have appointed any surveyor for the mending of High wayes, leading to Market townes, or no, and if any chosen refuse the same office, he shall pay 11. s. also you shall enquire whether the same surveyors have taken upon them the said office, and put the same in execution: and whether the parishioners have done their duties, and present all those that have offended contrary to the same statute, for the offendors shall forfeit certaine penalties. For the amending of Highwayes.

61 Also you shall enquire if the ditches be scoured, and bushes cut, according to the statute,

Scouring of ditches and cutting of hedges. Nota.

ſtute made in the firſt yeare of Q. Elizabeth, for not doing of the ſame, they ſhall forfeit two ſhillings.

62 The moitie of all the forfeitures for theſe Statutes, the Church-wardens ſhall haue to beſtow vpon the highwayes.

For watering hemp or flaxe.

63 Alſo you ſhall enquire if any perſon haue watered any hempe or flaxe in any riuer, running water, ſtreame, or brooke, or other common pond where beaſtes doe vſe to drinke, they ſhall forfeit for euery time ſo doing 10 s. the one part to the partie grieued, or any other which will ſue for the ſame; and the Statute 33. H. 8. cap. 17. doth giue a remedie to ſue for the ſame in Lœte, by action of debt, bill, plaint, or information, or otherwiſe.

Muſters.

64 Alſo you ſhall enquire whether any refuſe to come to muſters before any perſon authorized to take the ſame, he ſhall be impriſoned for ten daies, except he pay to the Kings. 6. 8 if any perſon appointed to take muſters, receiue any money to releaſe any appointed to ſerue, he ſhall forfeit ten times ſo much as that he receiued, 4. & 5. P. & M. ca. 3.

Ryots.

65 If any perſons to the number of vi. make an vnlawful aſſembly, for to breake any bankes, Incloſures, Parkes, fiſh-ponds, barnes, houſes, and ſuch like, and Proclamation bee made by the Sheriffe or Iuſtice of

Peace

Peace that they depart, and notwithstanding they remaine together an houre after Proclamation made, euerie such attempt is felonie: also euerie Copiholder being a yeoman, husbandman, or labourer, of the age of eighteene yeares, and vnder threescore, not sicke, nor hauing a reasonable excuse, and being required by the Iustice, Sherif, &c. to apprehend those persons aforesaid, and refuse, shall forfeite his estate during his life, and his Lord may enter: also the Farmer being a yeoman, &c. refusing, is in the same case to the Landlord: also it is felonie if any person without compulsion, bring, send, or deliuer any money, harnesse, artillerie, weapons, or victuals, to any person assembled in such manner. Also the Iustice of peace or other officer may raise a power to suppresse them: and if any Officer kill any such rebellious persons, or maime them, they shall be free, and if any person know of any such pretended rebellion, and do not openly declare the same within twenty houres next after such knowledge, he shall be imprisoned for three moneths without baile or mainprise, if he be not discharged by a Iustice of Peace: also he that letteth or hindereth that Proclamation that the same be not made, committeth felonie.

22 Anno quinto Eliz. cap. 1. If any ertoll

Of the King and assurance of his power.

or set forth the authoritie of the Bishop of Rome against the forme of this statute, he shall incurre the danger of a Premunire, and this Statute is to be declared in Leet.

Tracing of hares.

68 None may trace, destroy, or kill a Leueret in the snow with a dog, or otherwise, and he that doth it shall forfeite fiue shillings eight pence, 13. H. cap. 11.

Licences for wine.

69 Also you shall enquire if those persons which doe sell wines be thereunto licenced, according vnto the statute made in the eight yeare of Ed. 6. et. vpon a grieuous paine and forfeiture, and for euery day occupying or selling of wine without licence. Also you shall enquire how many there are licenced, and present them. Of this and all other matters and defaults, you shall diligently enquire & make a true presentment.

Then, after the charge is giuen, the Steward shall command the Crier to make Proclamation, & after proclamation made three times, the Steward shall say:

IF any can enforme the Steward, or this enquest of any petie treason, felonie, petie Larceny, Purpresture, breaking of pounds, or of Rescous, or of any other thing done against the peace, or of any person of euill behauiour

uiour within the Léete, or of any artificer that doth make deceipt, or of any other misdemenour of any officer or other person here, or of any waife or stray, treasure found, or of any other thing here to be enquired of: come in, and you shall be heard.

Then if any come in, he shall be sworne to giue euidence to the Iurie: And after that the Steward shall say to the enquest:

GO you together, and enquire of the matters of your charge, and when you be agréed I shall be ready to take your verdict.

An addition of diuers other matters enquirable in Leetes, not mentioned in the former edition.

IT is lawfull to all Stewards and Bailifes in their seuerall Léetes, and Lawdaies, to enquire, heare, and determine euerie offence committed contrarie to the tenour of the Statute made 33. H. 8. concerning crosbowes and hand-gunnes, so that alwayes no lesse fine than x.l. be assessed vpon euery such presentment and conuiction, the one moitie of euery such fine to bée leuied to the vse of the king, and the halfe of the other moitie to Crossebowes and handguns

the owner of the Leet or Law day by distresse, or action of debt, and the other halfe of the said moitie to be to the partie that will pursue for the same in any of the Queenes Courts by action, information, &c. wherein no matter of law, essoine, protection, &c.

2 And if any Jurie sworne and charged to enquire for the King, of any offences committed cantrary to the said Statute, doe wilfully conceale any of the said offences: Then the Stewards or Baliffes before whom anie concealment shall bee had, haue authoritie to charge and sweare another Jurie of twelue or more, to enquire of such concealement: and if such concealement bee found and presented by the said Jurie, then euerie of the first Jurie shall forfeite for euerie such concealement of euery offence twenty shillings, the moitie to be leuied to the owner of the Leet or Law. day by distresse, or action of debt, and the other to the Informer to bee recouered by Action, Information, &c. wherein no Wager of Lawe, Essoine, Protection, &c.

3 But if the presentment or suit for any of the said forfeiture be not commenced within one halfe yeare next after the offence committed, then the offendour shall be thereof clearly discharged, 33. H. 8. 16.

4 Lords

4 Lords in Leetes, and their Stewards, within the precinct of their Leets, haue authoritie to enquire and take presentment by the oath of Iurors, of all and euerie offence and offences committed contrary to the Statute 31. Eli. touching the erecting and maintaining of Cottages and Inmates, and vpon presentment made to leuie by distresse to the vse of the Lord of the Leete all such summes of money as shall be forfeited by the Statute of 31. El. ca 7. New Cottages Inmates.

5 The Steward in euery Leete shall haue full power and authoritie to enquire, here, and determine as well by presentment of twelue men, as by accusation or information of two honest witnesses, of, for, and vpon all and euery the offences & forfeitures committed (contrarie to the statute prouided, 2. Ed. 6. for the true making of Malt) as well for the King as for the partie that shall sue, procure, or cause the same to be presented, 16. Ed. 2. 35. Eliz. 7. Malt.

6 Stewards of Leetes, Liberties, and Law dayes within their seuerall iurisdictions shall and may heare, enquire, and determine of all and euerie offence and offences which shall bee committed within the precinct of their Liberties, Iurisdictions, or Franchises against the tenour of the act made,

An. 23. Eliz. 6. for the preseruation of Pheasants and partridges, 23. El. 10.

7 Stewards in their Leetes and Lawdaies, haue authoritie to heare and determine euerie default and offence of Hostlers, or Inholders making horse bread not sufficient, lawfull, and of due assise, according to the price of Corne, committed within the limits of their iurisdiction, contrarie to the Statute in that case prouided, 32. Henric. 8. 41.

Horse bread.

8 The Lord of euery Leete hath authoritie to enquire of all the offences committed contrarie to the purport and forme of the Statute prouided (1. Eliz. for the preseruation of spawne and frie of fish) within the precinct of the said Leete, such enquiry to be had in maner and sort as common amerciaments or other things enquirable in Leetes haue beene lawfully vsed to bee made, and vpon euerie such presentment had in any Leete Court by the oath of twelue men, of any offence made contrary to the said Statute, all forfeitures appointed for such offence, shall be vnto the Lord of the said Leete, and shall be leuied as amerciaments for fraies committed within the precinct of such Leet, haue beene vsed to be leuied. And if that Steward of a Leete or some other for him do not charge the Iurie

Fish.

swoorne

ſworne in euery Leet to enquire of all offences done within the precinct of the ſame Leet concerning the killing of Spawne or Frie of fiſh, kepper, ſhedder, or ſalmons or trowts, pickerell, ſalmon, trowt, or barbel, being not of lawfull length. And concerning the maſh of nets, and other engines, he ſhall forfeit for euery offence, xl. s. to the king, and him that will ſue for the ſame.

9 Alſo if any Jury ſworne in a Leet hauing charge to enquire of the premiſſes, do willingly conceale and make default in preſentment of the offence and offendors, then the ſteward or Bailife, or their deputy, may impanell another Jurie within the ſame Leet to enquire of ſuch concealment, which being found, euerie of the Jurors ſo concealing ſhall forfeite xx. s. to the Lord of the Leet for euery offence.

10 Sauing alwaies to all and euery perſon and perſons, bodies politicke and corporate & euery of them, all ſuch right, title, intereſt, claime, priuiledge, and conſeruation, and enquiry, and puniſhment, of & for any the offences aforeſaid, as they or any of them lawfully haue and enioy, or of right ought to haue and enioy by any maner of meanes, any thing, &c. notwithſtanding. 1. Eliz. 17. 35. Eliz. 7.

Finis de le charge de
Court Leet.

# THE ORDER OF

## *keeping Court Baron.*

The Stile of the Court.

Querstoy *Vria Baronis M. L. ibidem tenta die Martis, videlicet decimo quarto die Iunij, annis regni Iacobi Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis fidei defensoris, &c. viz Angliæ, Franciæ, & Hiberniæ secũdo, & Scotiæ, tricesimo octauo, tent' per Seneschallum.*

After the stile of the Court entred, you shall cause the Bailife to crie once Oyes, and then call the Iurors.

| | | | | | |
|---|---|---|---|---|---|
| Examp. | John Doe, | In- | Rob. Dodge, | He- | |
| | Richard Roe, | | Tho. Lodge, | | |
| | Iohn Den, | | Adam Clarke, | | |
| | Richard Fen, | to- | Dauid Parke, | | |
| | Walter Hallē, | | Henry Loe, | | |
| | Robert Allen. | res. | William Croe | | |

After the Iurie is called, the Bailife shall crie another Oyes, and then the Steward shall say.

If any will be assoined or enter any plaint come in, and you shall be heard.

The Essoines be set before the homage, in M. Kitchins Booke, & better than here, for first should

should the suitours be called, and their apparance, defaults, or essoines, be recorded, before it can be knowne who did appeare to make the homage.

And after the essoines be entred, and your plaints and plæs thereto made, then impanell the Iurie and sweare them.

After the enquest is impanelled and sworne, make another Oyes, and say, You good men which be of the Iury, come neare, and you and all other kæpe silence during your charge.

## An Exhortation to the Iurie.

My masters you that be sworne, before I giue you charge in this Court Baron, I thinke it good to declare vnto you by what authoritie you are commanded to be here, and for what cause. Chiefely, you are appointed to be here for that you be the Lords Tenants, and are bound by reason thereof to appeare at the Lords Court Baron when it shall be kept according to the Law, that is to say, at euerie three wæks end, being warned, and being by the same authority there, to end & determine iniuries, tresspasses, debts, and other actions, where the debt or damage is vnder forty shillings: and also that nothing bee done within the Manor, hurtfull to the inheritance of the

the Lord of the manor, which ought to be enquired and presented for the lord: and that you be the more diligent and carefull in enquiring and presenting the same, I haue ministred an oath vnto you, which is the calling or taking to witnesse of God his name, to confirme the truth of that you shall say, and present, minding neither fraud nor deceit, but onely the truth, not partiall, but seeking the glorie of God, and the profit of your neighbours, and the common-weale of God his people.

## The Charge.

FIrst, you shall enquire of the sutours, which owe any suit to this Court, whether they be here, or no, & present their names that make default, for they which bee absent ought to be present here aswell as you, except they haue some lawfull impediment to the contrary, for they hold their lands, as well to doe their suite, as to pay their rent, so that if they doe not their suite, they shal be amerced, or the Lord may haue good remedie for the same. otherwise you shall vnderstand, that euery common sutor is bound by the lawes to appeare at ỳ Lords Court Baron at euery three weeks end: notwithstanding, the Lord for your ease (which he estæmeth more than his owne profit)

The tenants are bound to appeare at euerie three weekes end at the Lords Court Baron.

it) suffereth the same to be kept but seldome, as appeareth, for which cause euery of the tenants ought the more wilfully to come vnto his Court at such times as he doth appoint for the same: for if they willingly absent themselues, then they render euill for good, and besides that, they incurre the danger of periurie, for whē they did their fealty, they were sworn to be true tenant vnto their Lord, and to pay and do all manner of suits, customes, and seruices due for their Tenements, at their day assigned: and therefore let euery man remember his oath and dutie, and doe his suits and seruices, according to the same, or else he shall fall into the danger aforesaid.

2 Next you shall enquire whether there be any Tenant dead sithence the last Court day, or before, whose death as yet is not presented, and you shall present the same: also what lands and tenements he held of this Lordship at the time of his death, and by what seruices, that is to say, whether it were by knights seruice, Socage, Tenure, or Copihold, and what aduantage the Lord shall haue by his death, as Ward, Mariage, Reliefe, Escheat, Fine, Heriot, &c. And who is his next heire, and what age he is of, and in whose keeping, and present it. You shall vnderstand there be diuers manner of Tenures, but most men doe hold by knights

What tenants are dead since the last Court.

What land he holdeth, and by what seruice.

Also who is next heire.

knights seruice, or socage tenure.

Knights seruice, what it is.

3 Knights seruice is when the Tenaunt holdeth of the Lord by Escuage, that is to say, by the seruice of the shield: also to hold by castle gard, ẏ is to say, to keepe a Castle, or Tower, or doore, or other place of his Lords, vpon reasonable warning, when the Lord heareth that enemies doe come into England ẏ is knights seruice.

Homage, fealtie, & Escuage. Knights seruice.

4 Also he that holdeth by homage, fealty, and escuage, holdeth by knights seruice: also he which holdeth of his Lord to blow an horne to warne the men of that countrie when enemies doe come into England, holdeth by Knights seruice: and Knights seruice ought alwayes to be done by the bodie of a man, and that seruice draweth vnto it, ward, marriage, and reliefe: for when such a tenant dieth seised and his heire male within age and vnmarried, the Lord shall haue the land holden of him, and also the marriage of him vntill hee bee of full age, that is to say, the age of xxj. yeares. But if such a Tenant died seised, his heire female being of the age of fourteene yeares, or more then the Lord shall neither haue the Wardeship of the Land, nor yet of her bodie, for that the law entendeth, that a woman of that age may haue an husband able to doe Knights seruice: and if she be within the age of 14. yeares

Knights seruice is done by the body of man.

Knights seruice draweth vnto it, ward, marriage and reliefe.

and

ud vnmarried, then the Lord shall haue the
wardship of her land, and also of her body, vn-
till she be of the age of fiftæne yeares. And
some such tenants do hold by a Knights fee,
nd some by halfe a fee, and some by more, and
oms by lesse: and if such a tenant dieth which
oldeth by one Knights fee, and his heire be-
ng of full age, then the Lord shall haue ho-
nage and fealtie, and also fiue pound for a re-
iefe, & of him which holds by halfe a Knights
ee, y. l.r.s. and he that holdeth by more shall
ay more, and he that holdeth by lesse shal pay
esse: you shall therefore present whether any
uch tenant died seised of any such lands and
enements so holden, yea, or no.

5 Also you shal enquire whether any tenant which held by knights seruice, made any feoffment to his heire, and after died, his heire being within age yea, or no, for notwithstanding such feoffement the heire is to be ward.

Alienation by collusion, and holding by Knights seruice.

6 And whether any such Tenant made any alienation of any such land so holden to any person by collusion, to defeate the Lord of his ward, or other profits, yea, or no, and present that: for in all these cases the Lord shall haue the ward and marriage of his heire, and also of his lands, aswell as if the said Tenant had died seised of the same land.

7 Also you shall enquire whether any such tenant

Tenant which held by Knights seruice, did make any will of his lands, or conueyed any of them to his wife or children, or to friends to pay his debts, which notwithstanding any such will or conueyance the Lord shall haue the wardship of his heire, and custody of the third part of his lands, 34. & 32. H. 8.

Feoffement a son vse, the lād holden in knights seruice.

8 Also you shall enquire whether the heire of such Tenant, entred into any such lands so holden, for any condition broken, being made by any of his ancestors, and present it.

Entry for condition broken.

9 Also whether such entrie in Religion beyond sea now be not treason, and so the party to forfeit the land to the King.

Entrie into Religion.

10 Also you shall enquire if the Tenant which held by Knights seruice, was disseised of lands so holden, that is to say, put out of them by one which had no rightful title to the same, and after died before any reentrie, or any lawfull recouerie had, and present it, for the Lord shall haue the wardship of the bodie of the heire and of his land, as well as if his Tenant had died thereof seised.

Disseisin of the tenant, & death before any reentrie.

12 Socage tenure is, as if the tenant holdeth of the Lord by fealtie and certaine rent for all manner of seruices, or by homage and fealtie for all manner of seruices, or by fealtie onely for all manner of seruices: or to pay a summe of money for escuage, or to pay a certaine

What Socage tenure is.

taine summe of money for Castle Gard: all such Tenures are Tenures in Socage: and all other Tenures which are not Tenures by Knights service, are Tenures in Socage: and where such Tenants die seised of any lands, so holden, the Lord of whom the land is so holden, after the death of his Tenant, can haue no more profit but onely his fealty and reliefe, that is to say, as much money and seruice as one yeares rent doth amount vnto: as if the tenant held by fealtie, and ten shillings rent, the Lord shall haue ten shillings for a reliefe, ouer and besides the ten shillings which he shall pay for his rent, and in such case after the death of the tenant, such reliefe is due to the Lord maintenant or immediatly vpon his ancestors death, so that the heire be of the ful age of xiiij. yeares, and he ought not to tarrie for his reliefe vntill the day of paiment of the rent but he ought to haue his reliefe maintenant, and for that he may distraine immediatly after the death of his tenant.

Reliefe is as much money as one yeares rent.

13 Also if a Copiholder dye sole seised of any lands or tenements so holden, his heire being of the age of fourteene yeares, then he shall pay a fine vnto the Lord, and do fealty, and be admitted tenant: but if the heire be within the age of 14. yeares, then some Garden shall be admitted to occupy his Copihold, and to pay

A Copiholder dieth.

and

and to doe his seruice due for the same, that is to say, if Landes descend from the father, then the mother or some of her next kin shall haue the occupation of the same lands, vntill the heire be of the age of fourteene yeares, and they shall pay a little fine for the gardenship, and the heire at his entrie shall pay the whole fine, you shall enquire thereof and present the same.

13 Also you shall enquire whether any Tenant which held by Socage Tenure, did make any Feoffement in fee to his vse, and died seised of the vse, his heire being within age, and no Will by him declared of the vse, and present it: for the Lord shall haue his reliefe, as well as if he had died seised of the same lands.

Whether any Freeholder hath aliened any of his free hold lands.

14 Also you shall enquire whether any freeholder hath aliened or sold away his freehold lands or tenements, or any parcel of them, and present it: for he which hath bought the land, before he enter, ought to come to giue notice vnto the Lord that he hath bought the same, and so the Lord shall know his Tenant, and in case where but part is sold, the seruice which the former paid vnto the Lord, shall be apportioned according vnto the value of the lands sold and retained.

15 Also you shal enquire whether any which

held

held by Herriot seruice, or Herriot costome, died seised of any lands or tenements so holden, and present it, for the Lord shall haue of euery of their seuerall parts diuerse Herriots at their seuerall deaths: also if one man haue two seuerall parcels of lands holden by Herriot seruice, and by two seuerall titles, and dieth seised of the same, the Lord shall haue after his death two Herriots.

Herriot seruice.
Herriot custome.

16 Also you shall enquire if any Copiholder dye seised of any lands so holden, and present it: Also whether any Copiholder hath made any lease of his Copihold, or otherwise alienes or sold the same, & present it, for it is a forfeiture of his Copihold: for if a Copiholder will alien or sell away his Copihold, he ought to come into the court and surrender the same into the hands of the Lord, to the vse of him which shall haue the estate, or else out of the Court he ought to surrender it vnto the Bailife, or to some of the Tenants of the Lordship, to the vse of him which shall haue the state, and they to whom the surrender is made, ought to present the same at the nert Court, and then pay his fine for the same, and take it to his vse in the Court, and do his endeuour to be admitted, and if he be not at the same Court, then the Lord shall haue the meane profits of the same lands, all the rent

Whether any Copiholder dieth seised of any such lands.

How a Copiholder ought to surrender his Copihold.

seruices and reparations being deducted, vntill he be satisfied for his fine, according to his dutie.

Whether any Copiholder hath made any surrender.

17 Also you shall enquire if any Copiholder hath made any surrender of his Copihold, or any part thereof sithence the last court day, or before, and present it: and into whose hands it was made, & in whose presence, or to whose vse: for at euerie surrender the Lord ought to haue a fine, and the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, and to yeld vp and testifie the surrender into the Lords hands, to the vse of the alienæ, according vnto the trust reposed in him, or otherwise hee forfeiteth his Copihold, except he haue a reasonable excuse: for that he doth as much as he may to defeate the Lord of his fine, and also to defeat the other party to whose vse the surrender was made. Not. The party that receiued the surrender had no right by it.

18 Also you shall enquire if any tenant of the Lordship haue giuen any lands into mortmaine, and present it.

Mortmaine.

19 Mortmaine is if a man giue or sell any lands to any house of religion, or to any other which be corporate by the kings grant: also if one make a Feoffement vpon trust to the vse of an house of Religion, or to the vse of

of a Guild or fraternitie Corporate, that is Mortmaine.

20 Also if one exchange lands or tenements with an Abbot, or other body Corporate, this is Mortmaine.

21 Also if a man of religion, or other body corporate, doth hold of any man by Knights seruice, and he release vnto him, this is mortmaine, & then the king or Lord may enter, and shall haue the same by force of the Statute in that behalfe made, viz. the nert Lord if he enter within a yere after the alienation, or in the Lords default, the king: you shall therfore present them that haue giuen any lands or tenements in mortmain, & when ỹ same was done

A Statute made thereof, that the king or Lord shall haue the same.

22 Also you shall enquire whether any tenant for terme of life, or yeares, or any Copiholder of this Lordship hath made any waste, or suffered any waste to bee done vpon their lands or tenements, yea or no.

Waste.

23 Waste is when any Tenant for terme of life, yeares, or any Copiholder pulleth downe any house, or cutteth downe any timber trees, or suffereth the house willingly to fall, being on their Copie Tenements, or if any of the Tenants plow vp any meadow ground, or if they suffer any Wall or Pale which were couered, to be vncouered, by reason whereof the same Wall or Pale doth fall

What waste is, and how the same is done.

in decay, or if any of them digge coales, chalk, or sand, or make any mines in their grounds, then they make waste. And if they fell a tree to the value of three shillings foure pence, this is admitted waste: But if a man cut downe timber to repaire the old houses which stand upon parcell of the same ground, and therewith doth repaire them, then it is not waste, but if he with the timber build a new house, then the cutting down of such timber is wast: Or if he cut downe any timber to sell, to repaire such houses which are fallen in decay, such is wast. But if wast be done with a tempest, no tenant shall be punished for such wast: but if wast be done by any danger, the tenant shall be punished for such wast: Also it is no waste to fell in seasonable time such trees as haue béene felled within xx. yeares before: but if the Tenant cut downe such trees to burne upon their Tenements, where they haue wood sufficient, this is wast. Also a Copiholder may not cut downe wood to sell, but he may to burne, upon his tenement, or to make reparations as aforesaid.

Whether any tenant in possession died seised without any heire.

24 Also you shall enquire whether any Tenant in possession or reuersion died seised of any Lands or Tenements holden of this Lordship, hauing no heire at the time of his death, yea or no, and present it, for then the Lord

Lord shall haue the land holden of him by Escuage. You shall vnderstand, that none shall haue lands in fée simple as heire vnto any man, vnlesse hee bee heire of the whole bloud; for if a man haue issue two sonnes by diuerse women, and dieth seised of the same land, and the eldest entreth and dieth without issue, the yongest shall not haue the land as heire vnto his brother, because hée is of the halfe bloud, but some other heire of the fathers side shall inherit the same land, and if he haue no heire on the fathers side, then the nert heire on the mothers side shall not haue the land, but the Lord of whom the land is holden shal haue the Land by Escheate: and so when land descendeth on the mothers side, the heire on the mothers side shall inherit, and not the heires of the fathers side. And you shal vnderstand, that a Bastard can neuer be heire vnto any man, nor yet haue heire vnto himselfe but his children: therefore if any Bastard die without issue, or any other tenant haue died seised without heires, you shall present it.

A Bastard may not inherit.

25 Also you shall enquire if any Tenant was seised of any Lands or Tenements, and was put out of his land by one which had no rightfull title, and afterward died without any heire, the Lord shall haue his Escheate as well as if his Tenant had died seised.

Whether any Tenant died being put out of his lands by one which had no right.

Petie treason, felonie, or murder committed by any tenant, for which he was hanged, or had iudgement to be hanged.

26 Also you shall enquire whether any tenant of his Lordship hath committed any petie treason, felonies, or murders, for the which he was hanged, or for the which he had iudgement to be hanged, though afterward he dies by the act of God, or prayed his Clergie and was allowed it, and deliuered to the Ordinary before the statute made in the 18. yeare of Q. Elizabeths raigne, or else since that Statute was burned in the hand, and deliuered out of prison according to the statute, for by that iudgement he was attainted, and the Lord entreth to the Escheat of his lands, and therfore if any such be, present it. And whether any tenant hath committed any petie treason, Felonie, or Murder, for the which he hath abiured the land, or for the which he was outlawed, or for the which he was beheaded, or for the which he was ouercome by wager of battaile vpon an appeale, or in ỹ combat put to death, and present it: for in all these cases the Lord of whom the lands are holden, shall haue the lands by Escheat, and also the Euidences concerning the same.

Whether there be any rents, loſt, or seruises withdrawne.

27 Also you shall enquire if there be any rents, customes, or seruices withdrawne from the Lordship, which of right ought to be done, and present it: and what rents, customes, and seruices they are, and by whom they are withdrawne,

drawne, and where the land lieth out of which they be due, and who holdeth the same, that the Lord may haue his remedie for the arrerages thereof.

28 Also you shall enquire whether the Copiholders or the farmers of this Lordship doe vphold and repaire their Tenements, yea or no, and present the same: you shall vnderstand that euerie tenant is bound to three things: First, that he be true tenant to his Lord: secondly, that he sufficiently repaire his Tenements: and thirdly, that he pay and do all suits, customes, and services at his dayes assigned: for he toke vpon him so to do when he did his fealty, and if he do not pay his suits, customes, and services, the Lord shall haue good remedy and recouer the same with his damages: and if he be a Copiholder, and do the contrarie, he doth forfeite his Copihold. Whether the tenants do vpholdor repaire their tenements.

29 Also you shall enquire if any tenant of this Lordship which is bound by reason of his Tenure to do suit vnto the Lords Mill, do the same yea or no, and present it: and whether any haue vsed to withdraw their suit from the Lords Mill, in not grinding their corne there, yea or no, and present it. Whether any Tenant haue withdrawne his seruice.

30 Also you shal enquire whether any waif or stray, is, or was within this Lordship, and whether the Lord be answered of the same, Waife and stray.

yea or no: if not, present by whom they are conueyed away: also you shall enquire if any Herriot be conueyed away, yea or no, and present it, and by whom.

What a Waife is. 31 A waife is, if a thiefe vpon huy and cry and pursuite after him, or otherwise to ease himselfe of his carriage, without huy and crie doth waife his goods, that is to say, doth leaue and forsake his goods which he hath stolne, or any parcell of them, by reason whereof the King or any other Lord or officer in his right or in his owne right do seise the goods: in these cases the goods so seised are called waifes: and the same law is, if any officer take any goods of a thiefe, suspecting that he hath stolne them, though there be no pursuit made: and in these cases, the King or else the Lord, by reason of a grant made by the King, or by the prescription, shall haue the goods so waifed, if the owner of them do not make fresh suite after the thiefe to attaint him for stealing of the same goods: which fresh suit if he make, he shall haue his goods againe, though they be waifed, but then he must sue an appeale, or else procure the party to be indicted and conuicted by euidence at his pursuit, according to the statute made 21. H.8.cap.11.

What an Estray is. 32 An estray is, when an Horse, Mare, Oxe, Shape, or other Beastes, are in the

Lord-

Lordship, and no man knoweth the owner of them, they shall be seised vnto the vse of the king, or to the Lord which hath such an estray by the King his grant, or by prescription, and if the owner come and make claime within a yeare and a day, then he shall haue it againe, or else after the yeare and the day, the propertie thereof shall be to the king, or else to the Lord which hath the same by grant or prescription, so that the Lord make Proclamation thereof, according to the Law, in the next markets, and in the Church.

33 Also you shall enquire, whether any person haue made rescous against the Lord, or any other officer, and present it. Rescous.

34 Rescous is when the Lord distraineth in the land holden of him for his rent, or services behind, or if the Lord come vpon the lands and would distraine, and the Tenant or some other will not suffer him, that is rescous: also if the Lord distraine for seruice behind, or for dammage fesant, and in driuing cattell to the pound, the beastes enter into the house of the owner, if in such case he that distraineth doth pray deliuerance, and the possessours will not deliuer them, that is a Rescous, therefore you shall present it, if Rescous haue bene made.

35 Also you shall enquire whether any person hath broken the Lords pounds, that is, to haue Breach of pound.

haue taken away a distresse put in, yea or no, and present it. You shall vnderstand, that if the Lord doe distraine any Tenant for rent, or seruice behind, he may impound the same distresse in a common pound if he will, or in his owne ground, or in his neighbours if he will, by the licence of his neighbour, and all those places in which the Lord doth impound any cattell, are called the Lords pound: but alwayes when another doth impound any distresse in his owne pound, or in his neighbours, it behoueth him to giue notice to the other party, for that if the distresse bee quicke he may giue it meate, and then if the Beast die for want of food, he that was distrained shal be at the losse, and then he that distrained before may distraine againe for the same rent or dutie.

Whether any tenant hath let any farme fall to decay, viz. not maintained husbādry as before.

36. Also you shall enquire if any tenant of this Lordship, hath let any farme or house fall into decay, which at any time sithence the first yeare of the raigne of K. H. 7. hath been let with twenty acres of land being in tillage yea or no, and present it: for if they suffer their houses to fall into decay, the Lord may take and distraine for halfe of the issues and profits of the same, and kæpe them to his owne vse, vntill such time as the houses shall be sufficiently builded and repaired, that is to say,

againe

maintained againe for husbandrie. This was by the Statute 4.H.7. which is now repealed by 39.El.

37 Also you shall enquire if any inhabitant of common haue ouer-charged the common or highwaies, or your common fields, by putting in more cattell than they ought to keepe, and whether any of them haue put their cattell in any their commons aforesaid, before the daies agreed vpon, and present it, for the Lord of any commoner (as it seemeth) may distraine the surplusage damage feasant, or else you may make among your selues orders and laws for your owne profit, that none shall do vpon pain of certaine penalties, &c. and by such lawes the inhabitants & commoners shall be bound, &c.

Whether any haue ouercharged the common.

38 Also you shall enquire if any person haue made any pits in the High-wayes, and whether any person do commonly vse to break hedges, and to suffer Hogs to go vnyoaked, or vnringed, to the annoyance of their neighbours.

Whether any pits be made in the high-waies. Breaking of hedges Hogs vnyoaked or vnringed.

39 Also you shall enquire whether any person hath strained or stopped any waies, water ditches, pathes, or turned any of them into a wrong course, and present it.

Stopping waies, waters, &c.

40 Also if any haue encroched any land of the Lord, that is to say, land, meadowe, pasture, wood, heath, moore, or any other vacant land

Whether any haue enchroched.

land without licence of the Lord, by setting of his hedge, pale, or otherwise, and present the same.

41 Note that all the vacant and waste land within the manour, is to the Lord of the manour.

Whether any haue remoued any markes.

42 Also you shall enquire where any person haue ared, plowed vp, or remoued away any Meere-marks, balks, or limits between one peece of land and another, and present it.

Whether any haue stalked with bush or beast.

43 Also you shall enquire if any haue stalked with a bush or beast to kill Deere which is in the lords chase and parke, and present it.

Whether any haue or doe keepe away any euidences.

44 Also you shall enquire if any person hath or keepeth away any euidences, charters, or Court rolls, customarie terrars, or any other euidences which concerne the lordship, or any parcell thereof, yea, or no, and present it.

Whether any haue fished, fouled, hawked.

45 Also you shal enquire if any person haue fished, fowled, hawked, or hunted in his lordship or Lords warren, and present it.

Whether any haue taken any fesants &c.

46 Also you shal enquire if any person haue taken any fesants, or partriges, with net, snare, or other engine vpon the freehold of the Lord of this manor, and present it.

Swannes or Swannesegs.

47 Also you shall enquire if any person haue taken away the egs of the Lords swanne out of their nests, and present it.

48 Also you shal enquire if any lands of the Lord

Lords be kept backe, or occupied by any without the licence of the Lord: also what land it is, and how much land hath beene so occupied and of what value by the yere the same is, and present it. Concealed land.

49 Also you shall enquire whether the lord haue any Villaine within his Lordship, and what goods, cattels, and lands he hath, what estate he hath, that the Lord may seise thereupon: also what other things he hath: also if any Villaine carry his goods out of his Lordship without licence of the Lord: or if any freeman espouse a Neise without licence of the Lord, you shall present the same. Note if a villaine purchase land, and doth alien the same to another before the Lord enter, then the Lord after shall not enter: otherwise it is if the Lord enter before the alienation of the Villaine: the same law is of goods, but the Lord may not seise the goods that the Villaine hath as Executour. Whether the Lord haue villaine within the Lordship.

50 Also you shall enquire if any trespasse be done in any of the Lords liberties, viz. in his corne, grasse, meadowes, pasture, woods, hedges, waters, or ponds: or if any take hanie, swarmes of Bees, or any Hawkes, or ayrie of Hawks, or such like trespasse, and present them. Trespasse in the Corne, Grasse, &c.

51 Also you shall enquire if any land be in-

clo-

For inclosing in seueralty groundswithout licence of the Lord, &c.

inclosed, & the same kept in seueraltie, which ought to lie open, without licence of the Lo and other freeholders, you shall present t same, for that no tenant of the Lordship sh lose the Common in the same.

A Copiholder may not let longer than a yeare and a day.

52 Also if any Copiholder let his Copiho land for longer time than a yeare and a day, without licence, except it be by custome th he may let for longer time, and if he do, it is forfeiture, and present the same.

Whether any be outlawed.

53 Also you shall enquire whether any t nant of this Lordship hath beene outlawed i any action of Trespasse, or other action, an present it, and whether the Lord be answere of his goods and Cattels, yea or no, and pr sent the same.

Granting greater estates.

54 Also you shall enquire whether any t nant for yeres, or life, haue granted any gr ter or larger estate thã they had in their la or tenements, yea or no, & present it, for th is a forfeiture of their estates.

Whether the Bailife and other Officers do execute their Office.

55 Also you shall enquire if the Bailif Headborough, Constable, and Haiward, and all other Officers, haue well and truly execu ted their Offices, yea or no, and present it.

Note, Headborough nor Constable be no to present in a Court Baron.

Whether the default and plaints be amended.

56 To conclude, you shall enquire whether all the defaults and plaints that were presen

ted at the last Court be sufficiently amended, yea or no, and whether al the orders and laws heretofore made be observed and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences, you thinke ought to be searched and enquired of, and by the oaths that you haue taken you shall truly and diligently enquire of al the premisses, and plainly without concealing of any fault, bring in a true verdict in writing, subscribed with your owne hands, sealed with your seales, by such an hours, or as sone as you can.

*It* is needlesse but in case of Felonie for to deliuer their verdict sealed. and then it must be indented: but it is conuenient to haue it in writing, written or subscribed by them, or one of them, but not necessarie: But to auoid the blame, ignomy, or slander, the Steward might incurre, if they did after deny their doings.

57 And finally, if you shall know anie thing that ought to be presented to the Lords auantage, you shall do vs to wit by the oath that you haue made, and bring vs in a true presentment. And now you may depart and enquire of your charge, hauing a regard of your oaths.

Finis de le charge de Court Baron.